

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES *ex rel.* DOE *et al.*,

Plaintiffs,

v.

HORIZON PHARMA PLC *et al.*,

Defendants.

18 Civ. 8971 (ER)

UNDER SEAL

ORDER

The United States of America (the “Government”) and the co-plaintiff States (including the District of Columbia), having now declined to intervene pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(4)(B) and analogous state False Claims Acts, with respect to the claims raised in the Complaint filed by the relator in the above-captioned action;

IT IS ORDERED THAT:

1. The Complaint shall be unsealed thirty days after entry of this Order; and, in the event that the relator has not moved to dismiss this action, service upon the defendants by the relator is authorized as of that date. If the relator voluntarily dismisses the Complaint pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure within this thirty-day period, the relator may seek to modify this Order with the consent of the United States and the States or by motion on notice to the United States and the States.

2. All documents filed in this action prior to the entry of this Order shall remain under seal and not be made public except for, thirty days after entry of this Order, the Complaint, this Order, and the Government’s Notice of Election to Decline Intervention and the States’

Notice of Decision to Decline Intervention. The relator will serve upon the defendants this Order and these Notices only after service of the Complaint.

3. Upon the unsealing of the Complaint, the seal shall be lifted as to all matters occurring in this action subsequent to the date of this Order.

4. The parties shall serve all pleadings, motions, and notices of appeal filed in this matter, including supporting memoranda, upon the Government and the States. The Government and the States may order any transcripts of depositions. The Government and the States may seek to intervene with respect to the allegations in the relator's Complaint, for good cause, at any time or seek dismissal of this action after invention.

5. All further orders of this Court in this matter shall be sent to the Government and the States by the relator.

6. Should the relator propose that this action or any of its allegations be dismissed, settled or otherwise discontinued, or that any defendant be dismissed from the case, the relator must solicit the written consent of the Government and the States (with the exception of the State of Maryland) before applying for Court approval.

7. In accordance with the Maryland False Health Claims Act, Md. Code Ann., Health Gen, § 2-604(a)(7), the State of Maryland having declined to intervene in this matter, all claims asserted on behalf of Maryland are dismissed without prejudice.

SO ORDERED:

Dated: New York, New York
October 3, 2023



HON. EDGARDO RAMOS
United States District Judge